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SEP 09 2004

In re Application of :
Adams et al. :
Application No. 10/773,045 : ON PETITION
Filed: February 5, 2004 :
Attorney Docket No.: 41992-00680 :
Title: Stir-Friction Hot Working
Control System :

OFFICE OF PETITIONS

This is a decision on the petition filed May 28, 2004, requesting in effect, that a Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") mailed May 6, 2004, be withdrawn.

The application was filed on February 5, 2004. However, on May 6, 2004, the Office of Initial Patent Examination (OIPE) mailed the Notice stating that the application had been accorded a filing date of February 5, 2004 and advising applicant that figure 5a described in the specification appeared to have been omitted.

In response, the present petition was filed. The petition contends that the application as filed included six (6) sheets of drawings with sheet 3 of 6 containing figure 5a.

A review of the drawings filed on February 5, 2004, confirms that six sheets of drawings were filed on February 5, 2004 including sheet 3 of 6. However, the figure on sheet 3 of 6 was unlabeled as a result of an error made by applicant or applicant's counsel. It is obvious from the petition that no drawings were actually missing on February 5, 2004 and that applicant is not seeking to submit any additional drawings.

The "Notice" mailed May 6, 2004, was correct in advising applicant that figure 5a appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The petition is dismissed.

The petition fee will not be refunded, since the petition was not necessary to correct any PTO error.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 5, 2004 using the six sheets of drawings submitted on that date.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

A handwritten signature in cursive script, appearing to read "Charlema R. Grant".

Charlema R. Grant
Petition Attorney
Office of Petitions